REMARKS

Claims 1 and 6-9 are amended. Claim 12 is new. Claims 1-12 will be pending upon entry of this amendment.

Response to Rejection of Claims under 35 USC §112

Although we disagree with the objection, we believe amending claim 1 as set forth in the amended claim set satisfies the concerns raised by the Examiner. The amendments do not affect the scope of the claim. Claim 1 now recites, "the web member having a front **section** and an opposite back **section** facing opposite directions substantially out of said plane, and having lateral **sections** located between the front and back sections and facing opposite directions substantially within said plane...". (Emphasis added.)

The elements of the first side portions defining a "front side" and "back side" and a second side portions defining "lateral sides" are replaced with front, back and lateral "sections". Accordingly, claims 2 and 10 are definite because a circular web member can have sections, including front, back and lateral sections. More particularly, a circular web member can have front and back sections along its circumference that substantially face outward from the truss and lateral sections along its circumference that substantially face in directions within the truss.

Response to Rejection of Claims under 35 USC §102

Claim 1

Applicants herein amend claim 1 in response to the rejection of claim 1 under 35 USC §102. As amended, claim 1 recites, in pertinent part:

> a brace having a base engaging the web member at one of said lateral sections, and at least one **first side wall projecting outwardly from the base in a direction away from the web member**, the brace being secured to the web member for reinforcing the web member...
>
> wherein said **front and back sections of the web member remain free from fasteners**.

The projecting side wall recited in claim 1 provides additional resistance to bending of the base out of its plane. Moreover, using this arrangement, the brace has the advantage of being located between the front and back surfaces of the web. Thus, when stacking multiple trusses, the brace will not be crushed nor interfere with the stacking. See page 5, lines 5-10.

Neither Rolf (U.S. Patent No. 6,148,579) nor the other references of record show or suggest a brace having a base engaging a web member at a lateral section and having a first side wall projecting outwardly from the base in a direction away from the one web member. Each embodiment illustrated in FIGS. 3-19 and 28-33 in Rolf teaches pre-braced hardware (12) that has at least one side (34) that projects **toward** the web member (14) and is secured to a side (30) of the web member that constitutes the front and/or back sections of the web member. Moreover, each embodiment illustrated in FIGS. 20-28 teaches a side brace (50) having folded sides (52) that are disposed between the web member (14) and the portion of the brace that constitutes its base. Thus, the folded sides (52) do not project outwardly from the base and do not project in a direction away from the web member. Accordingly, Rolf does not anticipate amended claim 1 because Rolf fails to teach a brace having at least one first side wall projecting outwardly from the base in a direction away from the one web member.

There is also no suggestion or motivation to modify the teachings of Rolf to make a brace secured to a web member so that the brace has at least one first side wall projecting outwardly from the base of the brace in a direction away from the web member and so that front and back sections of the web member remain free from fasteners. Applicants point out that although Pellock (U.S. 5,946,879) teaches a brace (100) including first and second sections (106, 108) that project outwardly from the base of the brace in a direction away from the web member, Pellock does <u>not</u> teach that the faces of the web member remain free from fasteners, as recited in claim 1 of the present application. Instead, each embodiment in Pellock teaches a flange (e.g., 102) overlying a portion of one of the faces of the web member and teeth (30) projecting from the flange to secure the brace to the web member. See Column 4, lines 52-54 and Column 5, lines 1-4. Pellock teaches that the flange (102) with integrally formed teeth (30) allows the brace to be conveniently installed on web members in the truss at the same time that the

nailing plates are being pressed or rolled into the web members. Column 5, lines 4-7. This teaches away from fasteners penetrating the lateral side sections of the web members because they cannot be secured to the web member at the same time other nailing plates are being pressed into the web member to secure them together. Thus, there is no motivation to combine the references so that the brace has at least one first side wall projecting outwardly from the base of the brace in a direction away from the web member and so that front and back sections of the web member remain free from fasteners.

For these reasons, claim 1 is submitted to be patentable over the references of record.

Claims 2-12 depend either directly or indirectly from claim 1 and are submitted to be patentable over the references of record for at least the same reasons as claim 1.

CONCLUSION

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants do not believe that a fee is due in connection with this response. If, however, the Commissioner determines that a fee is due, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,

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